

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:15-CR-103-FL

UNITED STATES OF AMERICA            )  
  )  
                  v.                        )  
  )  
OSLY ADONAY RUIZ-BANEGAS            )

**ORDER AND JUDGMENT OF FORFEITURE**

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement dated January 13, 2016, and Consent to Forfeiture entered into by the defendant on June 9, 2016, and further evidence of record and as presented by the Government, the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853, and 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms used in knowing violations of 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2), to wit:

**FIREARMS**

- (1) a New England Firearm, model R73, .32 cal. 5-shot revolver, serial number NB031531; (2) an Intratec, model TEC-DC9, 9mm semi-automatic pistol, serial number 0065660, with magazine capable of holding 35 rounds; (3) a Springfield Armory (HS Produkt), model XD9, 9mm semi-automatic pistol,

serial number XD126057; and, (4) any and all accompanying ammunition.

**GROSS PROCEEDS**

The gross proceeds derived from the defendant's illegal acts, in the amount of \$30,000.00;

AND WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement and the Consent to Forfeiture as to the defendant, OSLY ADONAY RUIZ-BANEGAS, the United States is hereby authorized to seize the above-stated personal property. The personal property and the \$30,000.00 currency are hereby forfeited to the United States for disposition in accordance with the law, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. Any and all forfeited funds shall be deposited by the U. S. Department of Justice or the U. S. Department of the Treasury, as soon as located or recovered, into the U. S. Department of Justice's Assets Forfeiture Fund or the U. S. Department of the

Treasury's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

In respect to the dollar amount forfeited by the defendant but not in the possession of or its whereabouts known to the Government, the JUDGMENT is hereby entered against the defendant for the amount forfeitable, specifically, \$30,000.00 currency.

In addition, upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order and Judgment of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant at sentencing.

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED. This 9th day of June, 2016.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is fluid and cursive, with the first name "Louise" being more prominent.

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LOUISE W. FLANAGAN  
United States District Judge